

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARK WILLIAM CAPPELLO,

Plaintiff,

v.

TERESA CISNEROS,

Defendant.

Case No. [20-cv-08287-WHA](#)

**ORDER REOPENING CASE AND TO  
SHOW CAUSE**

Respondent shall file with the court and serve on Petitioner, on or before **October 3, 2022**, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted based upon the claims in the First Amended Petition. Respondent shall file with the answer and serve on petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse (a reply) with the Court and serving it on Respondent on or before **October 31, 2022**.

Respondent may, on or before **October 3, 2022**, file a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition on or before **October 31, 2022**, and Respondent shall file with the Court and serve on Petitioner a reply on or before **November 14, 2022**.

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The clerk shall administratively reopen the file.

**IT IS SO ORDERED.**

Dated: July 20, 2022



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WILLIAM ALSUP  
United States District Judge

United States District Court  
Northern District of California